

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Salahuddin *et al.*

Application No.: 10/087,882

Filed: March 1, 2002

For: ANTIBODIES AGAINST HUMAN
HERPES VIRUS-6 (HHV-6) AND
METHOD OF USE

SECOND SUPPLEMENTAL REISSUE
DECLARATION UNDER 37 C.F.R. §
1.175(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Syed Z. Salahuddin, Dharam V. Ablashi, Steven F. Josephs, Carl W. Saxinger,
Flossie Wong-Staal and Robert C. Gallo, declare as follows:

1. We are citizens and residents of the United States of America.
2. We have assigned the entire right, title, and interest in U.S. Patent No. 6,054,283 to the United States of America as represented by the Secretary of the Department of Health and Human Services.
3. We are the original, first, and joint inventors of the invention described and claimed in the above-identified United States Letters Patent and the claims added by the above referenced reissue application, for which invention we seek a reissue of the aforesaid Letters Patent.

4. We do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof.

5. We have reviewed and understand the contents of the amended claims as presented in the accompanying response to the Office Action mailed on March 5, 2003 for the above-referenced application.

6. We acknowledge the duty to disclose information of which we are aware and which is material to the examination of this application for reissue of the original Letters Patent in accordance with 37 C.F.R. § 1.56.

7. We believe the original patent to be partly inoperative in that the original patent claims less than we have a right to claim in the patent. Our invention is generally directed to methods of detecting human B lymphotropic virus (HBLV) infection. Claims 2 and 3 of the issued patent recite two distinct methods by which HBLV infection can be detected. Claim 2 describes a method of detecting HBLV infection by contacting an antibody that specifically binds to an antigenic molecule from HBLV with a biological sample and detecting the antibody-antigen complex. Claim 3 describes a method whereby the antibody-antigen complex is detected by a western blot.


The methods recited in claims 2 and 3 are not the only methods of detecting HBLV infection. For example, HBLV infection can be detected by immunoassays that detect antibodies that specifically bind to HBLV as described at column 10, lines 59-67 and column 13, lines 3-6 of U.S. Patent No. 6,054,283.

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Full name of first inventor: Syed Z. Salahuddin

Inventor's signature:  Date: Nov. 11. 03

Country of Citizenship: U.S.

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Post Office Address: 3171 Breaker Drive, Ventura, CA 93003

Full name of second inventor: Dharam V. Ablashi

Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

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Full name of third inventor: Steven F. Josephs

Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: _____

Full name of fourth inventor: Carl W. Saxinger

Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: _____

Full name of fifth inventor: Flossie Wong-Staal

Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

Residence: U.S.

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Full name of sixth inventor: Robert C. Gallo

Inventor's signature: _____ Date: _____

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Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

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Full name of second inventor: Dharam V. Ablashi

Inventor's signature: Dharam V. Ablashi Date: 11/6/03

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: 34693 Brookhammer Landing Rd. Lewes, DE 19958

Full name of third inventor: Steven F. Josephs

Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: _____

Full name of fourth inventor: Carl W. Saxinger

Inventor's signature: _____ Date: _____

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Full name of fifth inventor: Flossie Wong-Staal

Inventor's signature: _____ Date: _____

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Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

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Full name of second inventor: Dharam V. Ablashi


Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: _____

Full name of third inventor: Steven F. Josephs

Inventor's signature:  _____ Date: 11/14/03

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: 12341 Creekview Drive, #60, San Diego, CA 92128

Full name of fourth inventor: Carl W. Saxinger

Inventor's signature: _____ Date: _____

Country of Citizenship: U.S.

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Full name of fifth inventor: Flossie Wong-Staal

Inventor's signature: _____ Date: _____

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Full name of fourth inventor: Carl W. Saxinger

Inventor's signature: Carl Saxinger Date: 1/4/03

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: 6814 Renita Lane, Bethesda MD, 20817

Full name of fifth inventor: Flossie Wong-Staal

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Inventor's signature: _____ Date: _____

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Full name of fourth inventor: Carl W. Saxinger

Inventor's signature: _____ Date: _____

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Residence: U.S.

Post Office Address: _____

Full name of fifth inventor: Flossie Wong-Staal

Inventor's signature: *Flossie Wong-Staal* Date: *11/4/03*

Country of Citizenship: U.S.

Residence: U.S.

Post Office Address: *14090 Caminito Vistana, San Diego
CA 92130*

Full name of sixth inventor: Robert C. Gallo

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Inventor's signature: _____ Date: _____

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Residence: U.S.

Post Office Address: _____

Full name of sixth inventor: Robert C. Gallo

Inventor's signature: R. Gallo Date: 11/5/03

Country of Citizenship: U.S.

Residence: U.S.

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Bethesda MD 20817